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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RFA 699/2003

BRAHM DUTT TYAGI Appellant

Through None.

versus

YASH PAL AND ORS. Respondents

Through None.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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30.09.2016

The Registry has pointed out that RFA No.550/2002 was preferred by Nardev who was substituted by his LRs. RFA No.699/2003 was also preferred against the same judgment by Brahm Dutt Tyagi who has not been shown as a party in the memo of parties in the impugned decree. His name transpired only as an objector before the Trial Court, as he had contested the substitution of the LRs of deceased appellant Nardev (RFA No.550/2002). It has also been pointed out that in RFA No.699/2003, the respondents sought permission to place on record certified copy of the judgment and decree dated 27.02.2006 passed in the suit challenging a Will filed by the appellant Brahm Dutt Tyagi, which stood dismissed.

By order dated 24.11.2011, a bench of this Court directed that the relevance of the aforesaid judgment in suit no.999/02/96 would be seen at the final hearing of the matter.

It has also been brought to the notice of this Court that Mr Deepak

Khosla, had appeared only for the appellant Nardev in RFA No.550/2002 but his name has appeared in the appeal of Bhram Dutt Tyagi also. That apart, Brahm Dutt Tyagi had died during the pendency of the proceedings and by order dated 12.09.2013 of the Registrar (Appellate), the LRs of Brahm Dutt Tyagi were brought on record.

In the common order dated 30.05.2016 passed by this Court in both the appeals (RFA No.550/2002 and 699/2003), there is no reference of such judgment dated 27.02.2006 passed in the suit filed by Bhram Dutt Tyagi.

Issue court notice to Mr Deepak Khosla, the learned counsel for the LRs of Nardev in RFA No.550/2002, Mr P.N. Bhardwaj, the learned counsel for the LRs of Brahm Dutt Tyagi in RFA No.699/2003 and Mr Sanjay Kumar Pathak, returnable on 21.10.2016.

ASHUJOSH KUMAR, J.

SEPTEMBER 30, 2016

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